

**2874. Adulteration of cream. U. S. v. 2 10-Gallon Cans of Cream. Consent decree of destruction. (F. D. C. No. 5787. Sample No. 42471-E.)**

On August 12, 1941, the United States attorney for the Western District of Pennsylvania filed a libel against 2 10-gallon cans of cream at Pittsburgh, Pa., alleging that the article had been shipped in interstate commerce on or about August 7, 1941, by Dairymen's Co-Op Sales Association, Sardis, Ohio, and Doris Jenkins, Culpeper, Va.; and charging that it was adulterated in that it consisted in whole or in part of a filthy, putrid, or decomposed substance.

On August 12, 1941, the consignee having requested the immediate destruction of the product, judgment was entered ordering that it be destroyed.

**2875. Adulteration of cream. U. S. v. 5 Cans of Cream. Consent decree of condemnation and destruction. (F. D. C. No. 5252. Sample No. 37073-E.)**

On July 24, 1941, the United States attorney for the Middle District of Georgia filed a libel against 5 10-gallon cans of cream at Americus, Ga., alleging that the article had been shipped on or about July 22, 1941, by R. A. Weeks from Headland, Ala.; and charging that it was adulterated in that it consisted wholly or in part of a filthy substance.

On August 2, 1941, the consignee having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered destroyed.

### EGGS

Nos. 2876 to 2879 report the seizure and disposition of several lots of frozen eggs in which examination disclosed the presence of decomposition.

**2876. Adulteration of frozen eggs. U. S. v. 800 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond conditioned that unfit portion be segregated and destroyed or denatured. (F. D. C. No. 5958. Sample No. 56967-E.)**

On October 6, 1941, the United States attorney for the Southern District of New York filed a libel against 800 cans of frozen eggs at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 24, 1941, by the Cudahy Packing Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Cudahy's Sunlight Whole Eggs."

On November 5, 1941, the Cudahy Packing Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that the unfit portion be segregated and denatured or destroyed.

**2877. Adulteration of frozen eggs. U. S. v. 360 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond. (F. D. C. No. 5842. Sample No. 49773-E.)**

On September 24, 1941, the United States attorney for the Middle District of Alabama filed a libel against 360 cans of frozen eggs at Montgomery, Ala., alleging that the article had been shipped in interstate commerce on or about July 5, 1941, by Cudahy Packing Co. from Chicago, Ill.; and charging that it was adulterated in that it consisted wholly or in part of a decomposed substance. The article was labeled in part: "Net Weight 30 Pounds Cudahy's Sunlight Whole Eggs."

On October 3, 1941, the Cudahy Packing Co. having appeared as claimant, an order was entered permitting release of the product under bond conditioned that it should not be disposed of in violation of the law. On October 10, 1941, an amended decree was entered condemning the product and ordering that it be delivered to the claimant to be brought into compliance with the law under the supervision of the Food and Drug Administration. It was examined and sorted and the unfit portion converted into tankage.

**2878. Adulteration of frozen eggs. U. S. v. 575 Cans of Frozen Eggs. Consent decree of condemnation. Product ordered released under bond for segregation of the sound portion from the unsound. (F. D. C. No. 6021. Sample No. 61090-E.)**

On October 14, 1941, the United States attorney for the Western District of Washington filed a libel against 575 30-pound cans of frozen eggs at Lynden, Wash., alleging that the article had been shipped in interstate commerce on or about September 9, 1941, by Lucerne Cream & Butter Co. from Oakland, Calif.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance.

On October 27, 1941, Lucerne Cream & Butter Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product

was ordered released under bond for segregation of the sound portion from the unsound under the supervision of the Food and Drug Administration. The unsound portion was destroyed.

**2879. Adulteration of frozen whole eggs. U. S. v. 600 Cans and 8 Cans of Frozen Whole Eggs. Consent decree of condemnation. Product ordered released under bond.** (F. D. C. No. 6156. Sample Nos. 74873-E, 74874-E.)

On or about November 7, 1941, the United States attorney for the District of Connecticut filed a libel against 608 cans of frozen whole eggs at Hartford, Conn., alleging that the article had been shipped in interstate commerce on or about October 17, 1941, by Produce Terminal Cold Storage Co. from Chicago, Ill., on order of Harry Atlas Sons, Inc., New York, N. Y.; and charging that the article was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: (Tag on cans) "Packed by Blue Star Produce, Inc. Offices Council Bluffs, Iowa."

On December 19, 1941, Louis Orenstein having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for segregation and destruction of the unfit portion under the supervision of the Food and Drug Administration.

**2880. Adulteration and misbranding of spray egg yolk. U. S. v. 4 Cases, 5 Cases, and 1 Case of Spray Hen Egg Yolk. Consent decree of condemnation. Product ordered released under bond to be relabeled.** (F. D. C. Nos. 4948 to 4950, incl. Sample Nos. 69063-E to 69067-E, incl.)

On June 20, 1941, the United States attorney for the Southern District of New York filed libels against 10 cases of spray egg yolk at New York, N. Y., alleging that on or about June 15 and December 4, 1939, and July 29, 1940, a shipment of spray dried egg yolk had been imported from China and that subsequently a number of cases contained in this shipment had been sold to Rogol Distributors, Inc., Brooklyn, N. Y., and that Rogol Distributors, Inc., thereafter sold the article after having adulterated it with a commercial preparation of soybean flour with added carotin.

The libels alleged that the article was adulterated (1) in that a substance, spray egg yolk containing soybean flour with added carotin, had been substituted wholly or in part for spray hen egg yolk, which it purported to be; and (2) in that soybean flour with added carotin had been added thereto or mixed or packed therewith so as to reduce its quality or strength.

It was alleged to be misbranded (1) in that the name "Spray Hen Egg Yolk" was false and misleading as applied to spray dried egg yolk containing soybean flour with added carotin; (2) in that it was offered for sale under the name of another food; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On October 10, 1941, the cases having been consolidated and Rogol Distributors, Inc., having admitted the allegations of the libels, judgment of condemnation was entered and the product was ordered released under bond conditioned that, under the supervision of the Food and Drug Administration, it be reprocessed by the addition of 10 percent of cocoa so that it could not be sold as spray hen egg yolk but solely as a mixture of hen egg yolk, soybean flour, and cocoa, and that it be relabeled so as to comply with the law.

## FISHERIES PRODUCTS

### FROZEN FISH

Nos. 2881 to 2891 report the seizure and disposition of frozen fish that was in whole or in part decomposed.

**2881. Adulteration of frozen codfish. U. S. v. 42 Boxes of Cod Fillets. Default decree of condemnation and destruction.** (F. D. C. No. 5388. Sample Nos. 54142-E, 54144-E.)

On August 16, 1941, the United States attorney for the Eastern District of Pennsylvania filed a libel against 42 boxes of frozen codfish at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about August 7, 1941, by Cape Fish Co. from Boston, Mass.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed substance. The article was labeled in part: "Cod on Fillets \* \* \* 15 lbs. \* \* \* Spray Blown Frosted Tenderloins of the Sea."

On September 8, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.